



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

APRIL 27, 2004

PRESENT: Acevedo, Benich, Lyle, Mueller, Weston

ABSENT: Engles, Escobar

LATE: None

STAFF: Community Development Director (CDD) Bischoff, Director of Public Works (DPW) Ashcraft, Deputy Director of Public Works (DDPW) Bjarke, Senior Civil Engineer (SCE) Behzad, Senior Engineer (SE) Creer, Associate Planner (AP) Tolentino, and Minutes Clerk Johnson

Chair Mueller called the meeting to order at 7:03 p.m. by asking Rocké Garcia to lead the flag salute.

#### **DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Chair Mueller opened the public hearing.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

#### **ISSUES BROUGHT BY THE COMMISSIONERS**

Commissioner Benich urged the Commissioners and the public to attend the Coyote Valley Specific Plan Task Force meeting May 15, 2004, beginning at 9:00 a.m. He recommended the public to take the opportunity to participate in this important event.

Chair Mueller requested CDD Bischoff to join him at the lectern, whereupon CDD Bischoff was presented with a Certificate of Appreciation, signed by all the Commissioners.

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CDD Bischoff responded graciously by saying how he has enjoyed and valued the Commissioners. He also noted that the City Council's work has been made easier because of the outstanding job (including dispute resolution) the Commissioners do. CDD Bischoff noted he will continue to work on a few projects until end of year.

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### COMMISSIONERS LYLE/BENICH MOTIONED TO APPROVE THE APRIL 13, 2004 MINUTES, WITH THE FOLLOWING MODIFICATIONS:

Page 4, line 1: variation in *the nitrate level of his well*

Page 6, paragraph 6: ~~the~~ watering of the course *at night has indicated that it was good for Red Legged Frog and Tiger Salamander due the fact that they forge at night.* Mr. Long thought the *non*-endangered species (bullfrogs)

Page 6, paragraph 6: *The bullfrog is not an endangered species. Bull frogs are the predatory species who feed on the California Red-legged frog. the CLRf is the endangered species. The Bullfrog is the extermination target species.*

Page 6 paragraph 7/cont page 7: *the bullfrog control extermination plan, noting, bull frogs are the predatory species who feed on the California Red-legged frog. the CLRf is the endangered species. The Bullfrog is the extermination target species.....as he asked whose plan it is? Mr. Long said that the plan is from Fish and Wildlife. He*

Page 7, paragraph 4: ~~Mr. Long said there is a need for the monthly reporting required by the Agencies, but expressed doubts about the current requirements, as he thinks there will be resolution of the issues by June or July.~~ *Commissioner Acevedo expressed doubts about the need for monthly reporting, saying he thought quarterly would be appropriate. He subsequently with drew his concern as the tedium of the reporting for them would end relatively soon, June or July when the EIR is adopted and the Facility would be fully permitted.*

Page 7, paragraph 7: *"I don't think*

Page 9, paragraph 4: ....series of potential problems ~~that may be possible~~

Page 9, paragraph 7: ~~the lots indicated on the General Plan, where there is a question of feathering (on north of the project)~~ *the MH General Plan requires "feathering" (large lots) near its borders, such as the northeast section of this project and the new plan does not do this the lack of moderate units in the R1 portion of the project*

Page 9, paragraph 8: ~~projects lots~~

Page 10, paragraph 9: ~~southerly end~~ *southeast corner*

Page 12, paragraph 7 & 8: original permit' *due to building reconfiguration and lot line changes.* Commissioner Acevedo said, *"I am in favor of amending the original. Not because of the use change requested but for the physical configuration change."* He further noted that he was in favor of their project and 'everything that they wanted to do'. *"I just thought they already had that right as we had given it to them previously,"* Commissioner Acevedo stated.

Page 15, paragraph 3: ~~big project~~ *score reduction*

Page 17, paragraph 7: ~~projects~~ *items now required by code*

Page 18, paragraph 8 : ....Chair Mueller asked, *noting he thought it was every six months.*

**THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLER, ESCOBAR.**

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## OLD BUSINESS:

1) ZA-04-01/  
SD-04-01/  
DA-04-01:TILTON-  
GLENROCK

A request to amend the precise development plan for the Capriano subdivision located on the west side of Hale Ave., south of Tilton Ave. The proposed amendment would allow for 107 single family detached homes. Also requested is the approval of a 79 lot subdivision map and development agreement for a 27 acre portion of the 67 acre Capriano project.

CDD Bischoff gave the staff report, noting the background of the project and the Commissioners actions on it. CDD Bischoff reminded that staff needs modified plans as directed, but those plans have not yet been received. CDD Bischoff restated the Commissioners policy to continue a matter twice, then table to an indeterminate time.

Chair Mueller opened the public hearing.

Rocké Garcia, 1000 Old Quarry Road, San Jose, spoke to the Commissioners as the applicant. Mr. Garcia said he was requesting for a continuance for two weeks, and asked the Commissioners to grant the continuance instead of tabling the matter 'for the convenience of all'. Mr. Garcia explained that the CAD person at MH Engineering had suffered a broken leg and consequently the plans needed had not been finalized. Mr. Garcia indicated his intention to 'go back to original plan' and accepting fault in not having the plan completed. "The issue partly involves the detached/attached units," he said. "We were allotted 26 units this year and intend to apply for 20 R1, 12000 sf lots and six BMRs. We have the map partially ready and it will be in the end of the week."

Commissioner Benich said that clarification on the difference between 'table and continue' for the students present would be beneficial.

CDD Bischoff explained that difference, noticing that re-advertisement is necessary with tabling.

Commissioner Lyle said that there is at least one issue with the moderate rate units in this project that could be problem.

Commissioners discussed the best way to proceed.

Commissioner Acevedo commented the applicant seems confident of being able to submit the map as indicated.

CDD Bischoff informed that the information must be received in the Planning Department no later than next Monday (May 3) for the Commissioners to have for the next meeting.

Commissioner Weston pointed to the busy proposed agenda for the next meeting (May 11), saying he is concerned about overloading the already full agenda. Commissioner Weston said he also wants a history of the project, as there seems to have been several different plans. "It would help to know how the project has changed over time, and how graphically," Commissioner Weston said. "I'd also like SP Linder to be in attendance to answer questions and tell of the Planning Department interaction with the

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applicant.”

Chair Mueller asked if the Commissioners wanted to table or continue the matter?

Commissioner Lyle voiced concern as to whether the applicant (and staff) can be ready and adding (without further elaboration) there are a ‘couple of issues’, one in particular – which could present a substantial problem.

**COMMISSIONERS BENICH/ACEVEDO MOTIONED TO CONTINUE THE MATTER OF ZA-04-01/SD-04-01/DA-04-01: TILTON-GLENROCK, TO THE NEXT REGULARLY SCHEDULED MEETING, MAY 11, 2004. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLES, ESCOBAR.**

## NEW BUSINESS:

### **2) SD-03-09/ DA-03-09: NATIVE DANCER-QUAIL MEADOWS**

A request for approval of a six-lot subdivision and development agreement for the final phase of an overall 13-unit single-family project. The project site is approximately 7.5 acres and is located at the southwest corner of Santa Teresa Blvd and Native Dancer Dr. in a RE(40,000) zoning district. A mitigated Negative Declaration is proposed.

AP Tolentino presented the staff report, explaining two alternate roadway designs for a new project cul-de-sac. Staff recommends locating the cul-de-sac bulb entirely on the project site. The property owner to the west requests to extend the bulb off-site onto his property, with future intention to create a through connection to Watsonville Road at the time the property develops. However, AP Tolentino said, a concern is that the adjacent property to the west is in the unincorporated County and outside the City’s urban service area; consequently, staff wants termination of the cul-de-sac at the north end of the project site and urban growth boundary.

AP Tolentino spoke on the Mitigated Negative Declaration (MND) as she called attention to the eucalyptus tree at the corner of the property. The eucalyptus provides nesting habitat for a Great Blue Heron colony. A study conducted as part of the MND included a mitigation measure restricting construction activity within 100-feet of the tree during the nesting period. Also, staff is recommending a permanent 20 ft. buffer around the tree. Referring to the MND, AP Tolentino said there is potential to uncover cultural resources. The firm contracted to study the site for the MND says the soils possess characteristics of a significant archaeological resource, and therefore requires mitigation measures.

AP Tolentino called attention to date changes to Exhibit B on page 14 of the Development Agreement:

#### IV. Building Permit Submittal

FY 2005-06 (4 units) ~~August 31, 2005~~ June 30, 2005

#### V. Building permits

Obtain building permits

FY 2005-06 (4 units) ~~October 30, 2005~~ September 30, 2005

And page 7, H2 of the Standard Agreement: this is to be eliminated as there are no

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BMRs.

Commissioner Acevedo remarked that, regarding the potential ecological worry on Llagas Creek, he is familiar with the Llagas Creek hiking area. Having served on the General Plan update, Commissioner Acevedo said the General Plan called for consideration to having that area of Llagas Creek be like a park, but that doesn't seem to be happening, and he asked, "Why not?" AP Tolentino explained that the creek is located entirely off-site within the unincorporated county.

Commissioner Weston called attention to the on-site plan, wherein sidewalks are indicated at the entrance to the project, but not within the rest of the subdivision. SE Creer addressed the issue, saying when lots of 40,000 sf or more are being developed, sidewalks are not required as part of the development, but curb and gutter are. In the first phase of this project, he said, curbs and gutters are being placed, sidewalks will be at the entrance along Santa Teresa, but there will not be sidewalks into the property.

Responding to questions from Commissioner Lyle, SE Creer explained the placement of the cul-de-sac (property to the north) and the 'eventual' plans for extension to Watsonville Rd. SE Creer said that maintenance of the cul-de-sac/road would be achieved by maintenance agreement/dedication to the City.

Commissioner Weston indicated that lots 8 and 9 appear to be in the flood plain? AP Tolentino explained that where the flood line is, construction is not planned.

Chair Mueller clarified, "The cul-de-sac could be there - on the property to the west - for 20 years before development of that property. But if the cul-de-sac is placed there, there will be a better chance of making it happen (extension of the road)." Chair Mueller stressed the importance of making potential buyers aware of the 'presence of cultural resources' on the property and suggested notice should be on title report. "My fear is that with the large lots here, if an owner wants to move dirt after development, such as for a swimming pool, then there would be need for notification asking for change due to cultural resources. We need some kind of procedure for notifying homeowners," Chair Mueller said.

Commissioner Weston indicated that when the application had been awarded points under Measure P, custom lots had been specified, but this has now changed. "Would this affect the score?" he asked. AP Tolentino explained that the Measure P application did not show any custom lots. Therefore, the points would not need to be adjusted.

Chair Mueller opened the public hearing.

Scott Schilling, 16060 Caputo Dr., #160, told Commissioners he has had to do 'some major archeological work to get to this point'. Mr. Schilling said there are some issues in terms of the creek, as the riparian habitat property line is up to the property line on the opposite side. He told of that owner fencing the walking path north of Llagas Creek at the bridge at the south end of this property. Mr. Schilling said there is room for the hiking path where people used to ride horses. He indicated the center of the creek and the places of riparian habitat.

Mr. Schilling said he has no objection to extending the cul-de-sac to the west so these

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six property owners (in the subdivision) would not have any disruption if development occurs on the adjacent property and the cul-de-sac is modified into a through street to provide access to a future signalization at Watsonville Road and Santa Teresa Boulevard, "It would provide access for the owners even though it may be 20 years down the road."

Mr. Schilling asked Commissioners to consider eliminating the requirement for the sidewalk on the Santa Teresa frontage. He indicated he has proposed not doing this because the sidewalk would not go anywhere and improvements have been made with the existing sound wall. "It is not sensible to put that bit of sidewalk there," Mr. Schilling said. "I would prefer not to do it as shown, but would pay a frontage fee equivalent to the cost of the sidewalks. We proposed under the Measure P agreement to install street lighting and would like the sidewalk modification."

Commissioner Benich asked if the sidewalk on Santa Teresa were to be eliminated, if there would be landscaping in-lieu of the sidewalk? Mr. Schilling responded, "Yes." He explained that in the first phase he will have to work with the County and the City to have the landscaping in the County, which would require a maintenance agreement with the City. Responding to a further question from Commissioner Benich, Mr. Schilling said the Homeowner's Association would be responsible for maintenance and watering of the landscaping.

Commissioner Weston asked about putting a length of sidewalk on the other side of Santa Teresa, as he discussed the lack of ability for a connection at that location. Mr. Schilling said he can work with Public Works for a temporary path between Native Dancer and Watsonville Road.

Commissioner Lyle asked when Mr. Schilling expects to pull permits? Mr. Schilling said, "The issue involves waiting until we final this, then go to the Site and Architectural Review Board, so probably within six months." He said that the October 30, 2004 date would be fine.

Commissioner Lyle commented that a concern is the ability of the City to 'make the ABAG numbers'. Mr. Schilling explained that the project is on-going and there should be no problem with the projected start date.

Chair Mueller continued to express concern with the archeological/cultural issues, asking Mr. Schilling if he could foresee a problem with providing notice to potential buyers. Mr. Schilling indicated that notice in the title report to owners would not present difficulty. Mr. Schilling also explained that the area of greatest concern would be in the back yards of lots 1 and 2. "The areas of concern are in the rear of the back yards, not in pad area, but could be in an area where someone might want a pool," he said.

Rocke Garcia, 1000 Old Quarry Road, San Jose, told Commission he owns the property to the west of the site. Mr. Garcia explained that there is a house on the property. "It would be 'ok' to have the cul-de-sac placed on the property as long as the residents of the house would be able to use it," he said.

Commissioner Lyle reminded Mr. Garcia that the connection of the cul-de-sac to

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Watsonville Road may be 'years out' – that area probably would not be taken into the City's Urban Service Area for many years'.

Commissioner Acevedo asked the traffic pattern for the project to Santa Teresa?

SE Creer explained the safety issues and 'distant future' plans for having this project connected to Watsonville Road.

Mary Ann Cressy, 911 Danny Boy Court, requested that there be a requirement of a Biologist on site so the Great Blue Herons would not be disturbed during the nesting season.

There was discussion regarding restrictions of building during nesting season, and the proposed requirement for the permanent 20-foot buffer around the tree with no construction activity within 100-feet of the tree during the nesting season (Jan. 15 to March 31). She called attention to BR-2 of the Mitigated Negative Declaration.

Ms. Cressy said the nesting period actually runs through June.

Noting no other persons present to address the matter, Chair Mueller closed the public hearing.

Commissioners engaged in discussion involving the lots near the tree with the Great Blue Herons. Commissioner Acevedo suggested contacting the Biologist who wrote that section of the Mitigated Negative Declaration and have that person say what the dates should be and why. Commissioner Weston pointed out that lot 9 is within a 100-foot radius of the tree, and said the design footprint for that lot may be designed to be outside of 100-foot radius from tree. Commissioner Mueller said he favored having consultation with an expert to censure the dates for work. Commissioner Benich felt there should be a requirement for modification of the dates.

### **COMMISSIONERS WESTON/LYLE MOTIONED TO ACCEPT THE NEGATIVE DECLARATION WITH THE FOLLOWING MODIFICATION: (Biological Resources section)**

**BR-2 ~~March 31~~ June 1**

**THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES:  
ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE;  
ABSTAIN: NONE; ABSENT: ENGLER, ESCOBAR.**

Considerable discussion ensued regarding the sidewalk.

Commissioner Benich indicated his opinion: There is something to be said for putting sidewalk along Santa Teresa.

Commissioner Weston argued that there is no need for the sidewalk at that location (entrance to the development), suggesting continuation of the walkway on the other side of the street would be more appropriate.

CDD Bischoff agreed and suggested the possibility of a cross walk and an asphalt path connection along Santa Teresa to the existing sidewalks along Watsonville Road.

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Chair Mueller indicated it would be good to continue as planned, but he could see the merit to have a sidewalk on the east side for walking.

Commissioner Acevedo expressed concern that no sidewalks are planned for the interior of the development. "There is not a lot of traffic there now, but if there is total build-out someday to Watsonville, it will increase. The road now is just two lanes, with not a lot of through traffic so we can keep rural. If the plan is to have the road go through, we may want to consider sidewalks installed now," Commissioner Acevedo said.

Chair Mueller said, "We need to understand future development so far out, so we can keep the rural standard here and perhaps maintain that rural standard for development in the future."

Responding to a question from Commissioner Lyle, SE Creer said that if a crosswalk is required, the Public Works Department would have to deal with the County, adding 'that may be difficult'.

Chair Mueller specified he would not want to hold the project up waiting for striping for a crosswalk.

SE Creer confirmed he could 'see the merits of placing an asphalt walkway on the east side of Santa Teresa.

Commissioner Weston raised issues with standard conditions that do not apply to the project (e.g., private gates and septic systems, as well as other conditions.

Mr. Schilling was told to work with staff for resolution.

**COMMISSIONER LYLE OFFERED RESOLUTION NO. 04-42, APPROVING A SIX-LOT SUBDIVISION (FINAL PHASE) OF AN OVERALL 13-UNIT SINGLE-FAMILY PROJECT LOCATED AT THE SOUTHWEST CORNER OF SANTA TERESA BOULEVARD AND NATIVE DANCER DRIVE IN AN R-E (40,000) ZONING DISTRICT, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AS WELL AS THE FOLLOWING MODIFICATIONS:**

**Standard Conditions:**

**Page 7, H 2, eliminate; there are no BMRs.**

**Page 21 (XXIII):**

**10. (add) or temporary asphalt walkway on the east side of Santa Teresa from Native Dancer Drive to Watsonville Road, and possible crosswalk per Public Works.**

**(Add new) 19: The cul-de-sac may be placed on property to the west of the development. A maintenance agreement will be required.**

**(Add new) 20: A note shall be placed on the Final Map, and the developer shall provide information on the Title Report for lots 8 and 9 concerning the potential presence of sensitive archeological resources.**

**THE MOTION WAS SECONDED BY COMMISSIONER BENICH AND**



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**CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLES, ESCOBAR.**

**COMMISSIONER LYLE OFFERED RESOLUTION NO. 04-43, RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT APPLICATION, DA-03-09: NATIVE DANCER – QUAIL MEADOWS FOR APPLICATION MMP-03-01: NATIVE DANCER – QUAIL MEADOWS, WITH THE FOLLOWING MODIFICATIONS:**

**Development Agreement (page 14):**

**IV. Building Permit Submittal**

**FY 2005-06 (4 units)                      ~~August 31, 2005~~ June 30, 2005**

**V. Building permits**

**Obtain building permits**

**FY 2005-06 (4 units)                      ~~October 30, 2005~~ September 30, 2005**

**COMMISSIONER WESTON SECONDED THE MOTION, NOTING THE FINDING AND CONDITIONS WITHIN. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLES, ESCOBAR.**

**OTHER BUSINESS:**

**3) PLAN CHANGE  
FOR SAFEWAY IN  
TENNANT  
STATION**

The drive-aisle currently under construction between the new Safeway building and the existing building within Tennant Station is less than 25 ft. wide.

CDD Bischoff gave the staff report, noting that when staff performs plan checks, every effort is made to try to make sure all conditions are as indicated. However, CDD Bischoff cautioned, because staff misses something, the developer is not relieved from the conditions entailed by the Planning Commission. CDD Bischoff elaborated on the three recommendations/options presented in the staff report, and informing that the matter was noticed because of a 'keen eyed Planning Commissioner' who called the matter to the notice of staff. CDD Bischoff indicated there would be discussion tonight, with no vote on any change the developer presents.

Chair Mueller opened the discussion with the question, "How did this happen?"

Galen Grant of Craig and Grant Architects in Danville said he and SP Linder had discussion last Thursday (April 22). Mr. Grant said he was unaware of the condition until SP Linder brought it to his attention. Mr. Grant said that in reality, the face of the Safeway building has not shifted from the originally presented drawings. What has shifted, Mr. Grant said, is the curb on bowling alley side - on paper, not in reality. Mr. Grant told of the prior approved drawings and explained the locations of various buildings, the drive aisle and the sidewalk. Always of concern was the tall wall and relatively low building adjacent to the wall, he said. Mr. Grant said there had been real determination to avoid a 'cavern effect'. Mr. Grant said he had discussed the matter with the Civil Engineer, who was aware of the issue, but the architect and Safeway were not. "The issue of the 25-foot requirement for two-way drive aisle with parking onto it is not duplicated in any other City," Mr. Grant said, "because as a practical matter, 22-feet for a drive aisle is a City standard."

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CDD Bischoff informed that SP Linder checked with the Fire Department and reported that 21-feet is their requirement.

Chair Mueller said that, "Either way, there is cavern effect resulting or we want the drive-aisle as wide as possible."

Commissioners and Mr. Grant discussed:

- the 'missing 3.3 feet' in the drive aisle
- prior 'as-built condition' not being what was thought (and how the correct information was not conveyed; Mr. Grant said he did not know)
- the fascia with the seam
- the roof overhang
- the need (or not) for a sidewalk along the drive aisle
- the idea of buttresses
- landscaping
- lighting
- possibility of increasing the width of drive aisle to 23.5 feet, and retaining a 5-foot landscape strip
- elimination of duplicate sidewalks on both sides of the drive aisle
- potential loss of arch features

CDD Bischoff and SE Creer joined the discussion, which continued with the following items:

- code requirements for drive aisle (25-feet is typical in the City)
- safety issues
- need to make clear to Mr. Grant by telling the Planning Department (1) what minimum drive aisle width would be acceptable and (2) whether the retention of two sidewalks is important
- traffic calming through the use of 10-foot wide lanes in high traffic
- the lane width standards for downtown areas
- continued concern of cavern effect
- consideration for closing the drive aisle down
- designing a promenade/bistro/shop area >> 'downtowny' open air mall
- construction of landscape planters

Commissioner Lyle said his first thought had been to demand that the construction be ripped out, but the discussion on the sidewalks had caused reconsideration. He said from a public safety aspect, he has concern about some double crossing of the drive aisle, but he didn't want to rip it out. Commissioner Lyle said he would not be in favor of drastically narrowing the drive aisle.

Commissioner Benich opined that the wall was up, so he did not support tearing it out, 'but there needs to be consequence'.

Commissioner Acevedo supported the idea of a promenade if there was not to be a drive-through, adding he saw 'no practical reason to tear it out'.

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Chair Mueller said he did not favor tearing out, but agreed there must be some consequence.

Commissioner Lyle agreed there should be some consequence. He urged emphasis on public safety. Commissioner Lyle said he would still like to see the drive aisle kept at 25-feet, as there would be a 'lot of traffic going through there'. He declared a continuing emphasis on public safety.

Commissioner Benich (referring to the symposium he and Commissioner Acevedo attended at the Planning Conference presented by the League of California Cities) said, "Narrower roads do calm traffic, so the problem is not with the drive aisle being narrower. Maybe we do not need the sidewalk. But the whole discussion that has been grounded on cavern effect may require the applicant to have to do something on the wall to increase architectural beauty. I think it would be possible to hire a known artist to work in tiles, and achieve a 'Safeway' type mural. Then the public can see beauty in the architecture."

Commissioner Acevedo said he thinks people may want to use the drive aisle, as there is current usage, but narrower might be better, *due to the traffic calming effort that the narrower street provides for.*

Commissioner Weston presented a sketch of a potential design: not a design wall, but with Boston ivy; and an extended sidewalk on the shop side and have larger (6-foot trees), trees retaining the 25-foot drive aisle and plantings on the left side.

Chair Mueller said he couldn't visualize the design as needing buffering near the wall. He said he could live with a narrower aisle, but was not sure it should go to 20 feet. "I've lived here for 20 years, and people from my neighborhood usually go in the area where drive aisle is to be located," as he indicated opposition to eliminating the drive aisle. Chair Mueller suggested to Mr. Grant it would be helpful to have a computer animation presentation instead of flip chart cards.

CDD Bischoff, seeking direction to staff, said he had heard 'eliminate the sidewalk', and there might be consideration of something less than a 25-foot aisle.

Commissioner Lyle explained that when Safeway first came in, the representatives had made it clear they didn't want a 25 feet for the drive aisle or eight feet for the sidewalk/landscaping.

Commissioner Benich suggested speed bumps in the drive aisle.

Commissioners continued discussion of:

- enhancement of public safety
- landscaping on the west side
- need for tearing out part of overhang
- landscaping
- issues of the cavern effect
- possibility of a narrower roadway
- design features of wall which Safeway has agreed to
- buttresses designed to scale down effect of wall (and are important to

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landscape)

Chair Mueller polled the Commissioners on the width of drive aisle they felt acceptable:

Lyle: 24 feet; Benich 23.5 feet; Acevedo 22 drive aisle and 7 feet sidewalk; 23.5 feet. Chair Mueller then said 23.5 or 24 feet 'probably works'. The applicant can come back with proposal for the Commissioners to consider. He also indicated that he wants to see how canyon effect could be minimized.

Commissioner Lyle urged requiring the applicant to look at public safety saying the east side needs to be looked at again.

CDD Bischoff confirmed that the applicant is to return with a drive aisle design that can be 23.5 – 24 feet. CDD Bischoff said he will have the Planning Manager work with staff and the applicant for improvements to address concerns of the Commissioners so the applicant can return with plan to present.

Mr. Grant stressed that the two buildings have not been moved. We have not created a cavern effect, he emphasized. Nor because of the inadvertent error, there was not intent to mislead, Mr. Grant declared

Commissioner Lyle stated, "If the applicant were coming before us tonight, he would not get approval for what we may have to end up approving." Mr. Grant agreed.

Commissioner Weston asked the staff to look into landscaping and trees for the project.

Commissioners have been requested to review the draft Five-Year Capital Improvements Program (CIP) for consistency with the adopted 2001 General Plan.

#### **4) FINDING OF GENERAL PLAN CONSISTENCY FOR DRAFT FY 2004/05 – 2008/09 CAPITAL IMPROVEMENTS PROGRAM (CIP)**

DDPW Bjarke presented the staff report, noting it is the goal of the Public Works Department to have the Commissioners find that the CIP is consistent with the General Plan. Therefore DDPW Bjarke said, before the CIP is presented to the City Council in May, comments are being solicited tonight. DDPW Bjarke explained that the CIP for Parks and Recreation (only) had been presented to the Parks and Recreation Commission last week. "Tonight, the entire CIP is being brought to the Planning Commission, including the comments from the Parks and Recreation Commission," DDPW Bjarke reported.

DDPW Bjarke explained programs and projects in each of the six categories, including those recently completed. He then gave an overview of the plans for the next five years, and funding for each.

Commissioners asked questions and provided comments on the various categorical projects:

#### Parks and Recreation

- El Toro: open space – was the plan to purchase land so residents could have a walking path to the top of the mountain? CDD Bischoff said the City must secure the property before a plan is formulated
- under Measure C, how is the City maintaining the ratio of sufficient parks/open

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space to the population (the General Plan calls for 5 acres per 1000 residents currently it is at 4.888 per 1000 residents)

- agreements with schools which have parks as part of their properties and whether those are counted in the total area for parks (Public Works staff is to inform on the ability to meet the requirements of the General Plan)
- regional soccer complex, which will not be brought into the City – how it was funded?
- potential merging of the El Toro Youth Center with the Senior Center or enlarging youth center
- use of grey water for irrigation
- shared parking for adjacent facilities (whether practical)
- concern that for park facilities and indoor recreation facilities that there is far greater spending than for fire stations: \$40 million versus \$100,000 for fire station

### Public facilities

- fire impact fees from developers (Commissioner Lyle questioned the *inability* to collect sufficient impact fees within next four years)
- need for consistency with Fire Master Plan
- use of current Library facility if a new one is built
- underestimation of remodel costs for existing library

### Sewer

- trunk line (San Martin is attempting to incorporate; would they be included or given the opportunity to tap into the upgraded trunk line. DPW Ashcraft said the trunk line is only for the City of Morgan Hill, noting there may be some unused capacity) Jim tells of how
- seismic requirements for underground sewer pipes
- why the City does not operate its own sewage treatment plant (already in place, huge investment, possible permitting issues)

### Storm drain projects

- possibility of getting money back from PL 566
- reduction of flooding in downtown
- FEMA rates for City residents

### Streets

- bicycle use by City residents
- locations (/moving) of utility poles
- under-grounding of utilities
- lack of sidewalks in specific areas
- signalization

### Water

- fluorination issues
- whether water capacity is below national standard (DPW Ashcraft spoke on availability from reservoirs)

CDD Bischoff proposed an addition to the Proposed Resolution No. 04-44:

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Section 1: ...*site specific* infrastructure

(add sentence) Once sites are identified for improvements which are not currently site-specific, additional findings with the General Plan will be required.

Commissioner Lyle informed that he will not support the CIP as written regarding the *fire provisions*.

Chair Mueller stated there is a need to ensure the document meets the General Plan requirements.

Commissioner Acevedo asked if there is some requirement about the Commissioners receiving a report on the City meeting the General Plan? CDD Bischoff said he will ask staff to deliver report in the near future.

Chair Mueller opened the public hearing.

Richard Oliver, 275 Saratoga Avenue, #105, Santa Clara, spoke from the audience, saying, "If the City ever plans to put in a recycle water line, now is the time to do it."

With no others present indicating a wish to speak to the matter, the public hearing was closed.

**COMMISSIONER BENICH OFFERED RESOLUTION NO. 04-44, INCLUDING THE FOLLOWING MODIFICATIONS:**

Section 1: ...*site specific* infrastructure

And (add sentence) Once sites are identified for improvements which are not currently site-specific, additional findings with the General Plan will be required.

**RECOMMENDING APROVAL OF THE CITY'S CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS 2004 - 2009 AND FINDING THE PROGRAM CONSISTENT WITH THE GENERAL PLAN. NOTING THE REQUIRED FINDINGS AND CONDITIONS OF THE RESOLUTION, COMMISSIONER ACEVEDO SECONDED THE MOTION.**

Chair Mueller asked staff to provide a report: if the City is in deficit of park area, how can compliance be gained?

Commissioner Acevedo said along with the Resolution, certain items are needed to meet General Plan. Commissioners agreed, emphasizing the need for information on the status of the Parks and a report on the Fire Master Plan compliance.

**THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, MUELLER, WESTON; NOES: LYLE, who noted his continuing objection to the level of funding for *Fire*; ABSTAIN: NONE; ABSENT: ENGLES, ESCOBAR.**

The Commissioners were requested to review the Subcommittee recommended changes to the RDCS evaluation criteria.

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### 5) REVIEW OF FINAL DRAFT (RDCS) SUBCOMMITTEE RECOMMENDA- TIONS

CDD Bischoff presented the staff report, noting the six different recommendations for changing the scoring process for the *affordable housing* category.

Chair Mueller opened the public hearing.

Scott Schilling, 16060 Caputo Dr. #160, called attention to *housing types* (page V-50 item b) asking Commissioners to please consider this item. "If you add an R-3 project, we could get points for possibly patio homes which are attached or for condo units building, some type of higher density is typical in an R3, as they have larger buildings containing multiple units. What I'm saying: instead of this, to get the housing mix, it would be nice to be able to have greater mix in R-3." He recommended 6 – 8% in the R3.

Commissioner Benich asked if Mr. Schilling was speaking of 'for sale' units? [Yes]

Commissioner Lyle asked if the Code would allow what Mr. Schilling is asking for?

CDD Bischoff responded, "I don't think Code would prohibit it."

Chair Mueller suggested set-asides be used instead of Mr. Schilling's proposal.

Mr. Schilling indicated he thought that an R3 could compete well in other areas, 'but R-3 could benefit well in this area'.

Mr. Schilling also suggested a point be given for the placement of a 'stub' for landscaping lines for future tie-in (which have been pre plumbed) for the recycled water connection page V-68.

Richard Oliver, 275 Saratoga Avenue, #105, Santa Clara, said that he was speaking for Rocké Garcia who had to leave for another appointment. Mr. Oliver said that in the draft to the City Council, the developer wants an on-going project to (have the ability to) receive 15 points where the project had received points in prior competitions. Mr. Oliver cited as an example the detention basin in one of Mr. Garcia's projects.

With no others wishing to address the matter, the public hearing was closed.

Commissioner Lyle pointed out that two issues were not included in either the *affordable or R3 projects category*:

Circulation efficiency which deals with a minimum score for safety on interior streets/ minimize interior streets using ~~angled back-up~~ *having parking (especially back to back parking) on both sides of interior streets in R3 projects. (R3 has 1 point)*

Location of amenities in R3: crossing from housing units to amenities (safety) these two items are really needed for safety issues

Chair Mueller asked staff to look at comments from public.

Commissioner Benich said he thought recycle water use is worthy of something, 'but not one point'.

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Commissioner Weston wanted to have consideration of reclaiming water off roofs for points.

Mr. Oliver said that if the design of the landscaping is to have a common tie, there is no way to tell where tie will be.

Commissioner Weston replied such plans are available.

Chair Mueller suggested looking at those issues for next year and ask Public Works to look at possible tie-ins.

Commissioner Weston said that on page V-71, the Planning Department should be included in addition to Building and Public Works.

Commissioner Acevedo led discussion on page V-70 item E (Creeks) noting the wording is confusing. The Commissioners agreed, and following deliberation, decided that the item should read: It is those watercourses which the Water District recognizes as 'creek'.

Commissioner Acevedo wondered, "If a developer has innovative ideas, why there was no category for consideration for this factor?"

Chair Mueller suggested wants to lump suggestions such as that in with other recommended Commission ideas, stating, "Some, like the one Commissioner Acevedo spoke of, may be more complicated.

Commissioner Lyle brought up that on page V-37, under the **Note** Part 4-b should be included.

Mr. Oliver informed that his application had lost a point in the last competition due to Public Works getting behind in the plan checks (and therefore his project was delayed through no fault of his own). He stressed that while he is not faulting Public Works for being behind again (the Department has not been able to get competent plan checkers), but Mr. Oliver fears being penalized again for a situation that is not due to builder delay. "This is an issue," Mr. Oliver declared. "The Commissioners do need to hold the developers feet to the fire, but some things are beyond our control."

The Commissioners agreed with that change (**page V-37, under the Note Part 4-b should be included**). Chair Mueller stated, "4-b sounds right, but maybe there will be need for exception."

Commissioner Lyle stressed, "It is not just plan checks, but improvements to plans as the City is trying to make ABAG numbers, we can't continue to tolerate delays, and 'pushing projects back'."

Chair Mueller asked, if in the certification of the Housing Element, the numbers shown indicate the City had the ability to deliver allocations was addressed? CDD Bischoff responded that the units are supposed to have been constructed, so as long as no impediments to receiving building permits.



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Commissioner Lyle talked of the potential issues with 'back up'.

Mr. Oliver stressed the problem is 'batch processing' and not a criticism of Public Works.

Page V-46 was changed to *\*Applicable to 100 percent affordable project* with the consensus of all present.

Discussion followed regarding whether only non-profit organizations could make application for affordable rental units. CDD Bischoff is to have PM Rowe check on various aspects of the matter.

Regarding the obligation for having a 'qualified builder', Chair Mueller asked if the application is for a multi-family downtown project, how it could be decided who would be a 'qualified builder'? Following discussion, Commissioners suggested the recommendation would be 'an experienced builder of the housing type and (known) project of comparable size for the application'.

CDD Bischoff said the item will be brought back in Ordinance form for comments and or further change.

Commissioner Lyle reminded that there are other things to be considered in the final Ordinance, such as micros and policy statements.

### 6) RDCS QUARTERLY REPORT

Quarterly review of the progress of residential projects that have been awarded building allocations under the City's Residential Development Control System, pursuant to Chapter 18.78 of the Morgan Hill Municipal Code.

Chair Mueller suggested there is need to tie this report in with the Housing Element.

There was lengthy discussion regarding getting maps/plans moving more rapidly through public works. Concern as to the lack of sufficient, competent plan checkers was voiced.

Chair Mueller asked for an information report be forthcoming to the Commission as to why nine projects are behind?

Commissioner Lyle suggested asking staff for a plan to expedite processing to meet ABAG numbers.

**COMMISSIONERS LYLE/ BENICH MOTIONED TO ACCEPT THE QUARTERLY REPORT AS PRESENTED, AND THAT THE REPORT BE FORWARDED TO THE CITY COUNCIL. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLES, ESCOBAR.**

### ANNOUNCEMENTS:

CDD Bischoff announced:

The City's Business Assistance and Housing Program has hired a Consultant to work on the Walnut Grove PUD. Chair Mueller asked to have the Consultant work through

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the Planning Department.

The City Council agreed with and accepted the amendment to the Gateway Project as recommended by the Commissioners.

The City Council has expressed frustration with the Coyote Valley Specific Plan Task Force, asking if the City is afforded 'effective participation'. CDD Bischoff is to develop comments and plan to improve 'effectual involvement'.

Commissioner Weston requested staff ask to look at possible landscaping for the area under the trestle.

Commissioner Benich reminded that a traffic workshop has been requested.

**ADJOURNMENT:**

With no further business to come before the Commission, Chair Mueller adjourned the meeting at 11:31 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**JUDI H. JOHNSON, Minutes Clerk**